

**THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION**

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

**Alternative Default Energy Service Rate
Docket No. DE 11-216**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S
OBJECTION TO PETITION TO INTERVENE OF
NORTH AMERICAN POWER AND GAS, LLC**

Public Service Company of New Hampshire (“PSNH” or the “Company”) hereby objects, pursuant to RSA 541-A: 32 and Puc §§ 203.02 and 203.07, to the petition to intervene of North American Power and Gas, LLC (“NAPG”) in the above-captioned docket. In support of its objection, PSNH says the following:

1. On September 23, 2011, PSNH filed a request with the Commission to implement an Alternative Default Energy Service (“Rate ADE”) rate, which was docketed as Docket No. DE 11-216. That filing was made in compliance with the Commission’s conclusion in Order No. 25,256 (July 26, 2011) in Docket No. DE 10-160, that PSNH develop a specific tariff proposal to address circumstances when the Company’s default Energy Service (“ES”) rate was above market rates. Thereafter numerous entities, including multiple competitive electric suppliers and a trade association of electric suppliers, were granted intervention.
2. On January 16, 2012, the Commission issued Order No. 25,320 rejecting PSNH’s proposal for Rate ADE and ordering PSNH to provide an amended proposal. PSNH provided that amended proposal on April 27, 2012, and a hearing was held on that proposal on October 18, 2012. The parties are awaiting the Commission’s decision following the hearing.

3. On December 20, 2012, more than a year after the case had begun, and when parties are awaiting only a final order of the Commission, NAPG has petitioned to intervene. Under RSA 541-A:32, II the Commission “may grant one or more petitions for intervention at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.” The Commission should reject this intervention as both untimely, and insufficient to meet the standards in RSA 541-A:32, II.
4. As noted above, NAPG has petitioned to intervene at an extremely late point in the proceeding, when all that remains is the issuance of a final order from the Commission. NAPG contends that it was licensed to operate in New Hampshire last month, and that “as a new supplier” it must compete “directly or indirectly” with PSNH’s rates. NAPG filed its application with the Commission on May 22, 2012, and the Commission granted that application on November 13, 2012. *See* Docket No. DM 12-138. While the Commission approved NAPG’s application on November 13, 2012, there is nothing that indicates that NAPG did not, or could not have, sought to intervene at an earlier date. NAPG knew, or should have known, since at least May 22, 2012 that by being granted authority to operate in New Hampshire, that it would compete “directly or indirectly” with PSNH’s rates. There is nothing in statute or the Commission’s rules that would have prevented NAPG from intervening earlier, when it anticipated operating in New Hampshire. In light of the untimely nature of the intervention, PSNH submits that NAPG’s intervention would impair the orderly and prompt conduct of the proceeding.
5. In addition to being extraordinarily untimely, granting NAPG’s petition would not be in the interests of justice. NAPG contends that it does not desire to reopen the record in this

proceeding, and that it “shares the concerns expressed by the retail supplier intervenors” in this docket. NAPG expresses no interest in the proceeding different from those who have already participated, and from whom the Commission has received extensive arguments, and NAPG does not seek to add any new, relevant or otherwise unavailable information to the proceeding. In such circumstances, it is difficult to conceive of any reason justifying NAPG’s participation at such a late stage of the proceeding.

WHEREFORE, PSNH respectfully requests that the Commission deny NAPG’s petition to intervene in this proceeding, and to order such further relief as may be just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire

12/24/12
Date

By: 
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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Objection to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

12/24/12
Date


Matthew J. Fossum